IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

No. 7:24-CV-47-BO

| SARAH JEAN ZABEK, |) | |
|-------------------------------|---|-------|
| Plaintiff, |) | |
| v. |) | ORDER |
| EVERYAGE CORPORATION, et al., |) | |
| Defendants. |) | |

This matter is before the court on Defendants' consent motion to stay pending ruling on the pending motion to dismiss and the parties' Rule 26(f) report. [DE-24, -26].

Rule 26(c) of the Federal Rules of Civil Procedure authorizes a court to issue an order limiting or staying discovery. Specifically, a court has discretion to stay discovery until pending dispositive motions are resolved. *See Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at *2 (E.D.N.C. Feb. 25, 2008). In certain cases, a stay of discovery may be appropriate to prevent a waste of time and resources by the parties and to make efficient use of judicial resources. *United States v. A.T. Massey Coal Co.*, No. 2:07-0299, 2007 WL 3051449, at *2 (S.D. W. Va. Oct. 18, 2007). "Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion." *Yongo*, 2008 WL 516744, at *2 (quoting *Tilley v. United States*, 270 F. Supp. 2d 731, 735 (M.D.N.C. 2003)).

Here, the balance of factors weighs in favor of allowing a stay. The motion to dismiss, if allowed, would resolve all claims and obviate the need for discovery. Plaintiff has not asserted

that discovery is necessary for disposition of the motion to dismiss and consents to the stay motion. Finally, the delay inherent in staying the case is unlikely to be inordinate and is insufficient to outweigh the potential efficiencies a stay may generate. Accordingly, for good cause shown, the motion to stay is allowed. If claims remain after disposition of the motion to dismiss, the parties shall conduct a Rule 26(f) meeting and file a new discovery plan within twenty-one (21) days after the court's ruling.

SO ORDERED, the 7 day of October, 2024.

Robert B. Jones, Jr.

United States Magistrate Judge